

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

## IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION

MDL No. 1456

**Master File No. 01-12257-PBS**

**Subcategory Case No. 06-11337**

**THIS DOCUMENT RELATES TO:**

**Judge Patti B. Saris**

*State of California, ex rel. Ven-A-Care v.*

**Magistrate Judge**

*Abbott Laboratories, Inc., et al.*

**Marianne B. Bowler**

CASE No: 1:03-cv-11226-PBS

**STATE OF CALIFORNIA'S MOTION FOR A PROTECTIVE ORDER  
REGARDING DEFENDANTS' RULE 30(b)(6) DEPOSITION TOPICS**

The State of California, through its undersigned counsel, respectfully moves this Court to issue an order pursuant to Federal Rule of Civil Procedure 26(c) prohibiting Defendants Dey, Inc., Mylan Pharmaceuticals Inc., Sandoz Inc., and Warrick Pharmaceutical Corp. ("Defendants"), from subjecting government witnesses to deposition pursuant to Federal Rule of Civil Procedure 30(b)(6) on 22 of the 68 topic areas propounded by Defendants. *See* Exhibit A. For the reasons explained in the accompanying memorandum, those topics seek privileged information, and information not appropriate for Rule 30(b)(6) discovery and which should be obtained by other means.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d) Plaintiff requests oral argument on this motion.

Dated: March 26, 2009

Respectfully submitted,

EDMUND G. BROWN JR.  
Attorney General for the State of California

By: /s/ Nicholas N. Paul  
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**Attorneys for Plaintiff,  
STATE OF CALIFORNIA**

**CERTIFICATE PURSUANT TO LOCAL RULES 7.1 AND 37.1**

I certify that the moving party communicated with defense counsel in an effort to resolve the dispute referred to in this motion, and that the parties have not been able to reach agreement with respect thereto.

/s/ Nicholas N. Paul  
NICHOLAS N. PAUL

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on March 26, 2009, a copy to Lexis-Nexis for posting and notification to all parties.

/s/ Nicholas N. Paul  
NICHOLAS N. PAUL